

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department - Revision Petition filed by Sri BolliShetti Guruvaiah, S/o Venkanna, Occ: Agriculture and Sri BolliShetti Lachaiah, S/o Venkanna, Occ: Agriculture residents of Dandepalli Village & Mandal, Adilabad District against the Orders dt:16-05-2005 issued in Procgs No: ITDA /LTRA/14/2003 by the Additional Agent to Government Utnoor, Adilabad District under Regulation (6) of APSALTR,1959 – Revision Petition Dismissed - Orders – Issued

TRIBAL WELFARE (LTR)DEPARTMENT

G.O.Ms.No. 08

Dated:30-05-2020,
Read the following:-

- 1.Revision Petition filed by Sri BolliShetti Guruvaiah and Sri BolliShetti Lachaiah, S/o. Venkanna R/o Dandepally Village & Mandal, Adilabad District dt. 23.07.2007.
2. Govt.Memo.No.5515/TW.LTR.2/2007, dated 10.08.2007.
3. From the Addl.Agent to Govt., ITDA, Utnoor, Adilabad District Lr.No.A4/14/2003, Dt:24.09.2007.
- 4.Govt.Lr.No.5515/LTR-2/07,Dt:19.03.2008,14.08.2008,22.12.2008, 10.06.2010,18.03.2015,10.11.2015, 10.04.2018, 11.4.2018, 28.5.2018,23.7.2018, 21.08.2018 & 27.11.2018.

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ORDER

In the reference 1st read above, Sri BolliShetti Guruvaiah, S/o Venkanna, Occ: Agriculture and Sri BolliShetti Lachaiah, S/o Venkanna, Occ: Agriculture residents of Dandepalli Village & Mandal, Adilabad District have filed Revision Petition through their counsel before the Government aggrieved by the the orders of the Additional Agent to Government, Utnoor, Adilabad District dt:16-05-2005 issued in Procgs No: ITDA /LTRA/14/2003 in respect of the land to an extent of Ac.3.60 cts situated in Sy. No. 174 of Dandepally (V) and (M) of Adilabad District.

2. In the reference 2nd read above, Government have issued Stay orders on the orders of Additional Agent to Government & Project Officer, ITDA, Utnoor, Adilabad District and he was requested to furnish Para Wise Remarks and connected case records to Government and in the reference 3rd read above the Addl. Agent to Government, Utnoor, Adilabad District has furnished Para Wise Remarks and connected case records.

3. Government have conducted hearings previously on the following dates :

1.	27.03.2008	..	Petitioner present.
2.	23.08.2008	..	Petitioner absent, counsel present.
3.	31.12.2008	..	Petitioner absent, counsel present.
4.	11.05.2009	..	Adjourned.
5.	24.06.2010	..	Petitioner and his counsel present.
6.	09.04.2015	..	Adjourned.
7.	05.12.2015	..	Adjourned.
8.	21.04.2018	..	Adjourned.
9.	23.06.2018	..	Adjourned.
10.	28.07.2018	..	Adjourned.
11.	01.09.2018	..	All absent.
12.	27.10.2018	..	Adjourned

Finally the Case was called on 7.12.2019. Both petitioners and their counsel were present. Counsel for petitioner filed written arguments.

4. Government after conducting hearings perused the case record and observed that;

- The Revision Petitioners Sri Bolishetti Guruvaiah S/o Venkanna and Bollishetti Lachaiah S/o Venkanna R/o Dandepalli village and Mandal of erstwhile

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Adilabad District have filed Revision Petition before the Government on 1.8.2017 against the orders passed by the Appellate Authority i.e. Additional Agent to Government & Project Officer ITDA Utnoor, Adilabad District in Procs. No. ITDA/LTRA/14/2003, dt.16.5.2005, urging the following grounds:

- Both the courts erroneously and in hurried manner passed orders of ejectment against the petitioners for taking the lands in Sy.No.174 to an extent of Ac.3.60 cents situated at Dandepally village and Mandal into Government custody, without following principles of natural justice.
- 2nd respondent (i.e. SDC TW Utnoor) suo motto took up the matter basing on the list furnished by Mandal Revenue Officer, Dandepalli and without giving any opportunity of being heard, in spite of the repeated request of the petitioners, passed the ejectment order, which is nothing but depriving the right of the petitioners and contrary to the principles of natural justice.
- Grandfather of petitioners namely Bollishetti Brahmaiah was the original pattedar and possessor of the land in Sy.No.174 total extent of Ac.10.2 cents prior to 1950 and his name was entered as pattedar since 1950 onwards. Thereafter, as the grandfather of the petitioners was in need of money, he has taken hand loan from the 3rd respondent (Chinthamalla Ramaiah R/o Dandepalli village & Mandal) by keeping the land documents with him. Taking advantage of it and innocence of grandfather of petitioners, 3rd respondent got entered his name in the revenue records and possessor and thereafter as pattedar, though he is not at all the original pattedar.
- When father of the petitioners came to know about this, he repaid the hand loan amount to 3rd respondent and got released documents from the occupation of the 3rd respondent and since then enjoying the lands without any interference from any corner, but due to misfortune name of the 3rd respondent was entered as pattedar wrongly.
- Subsequently, the petitioners got their shares in Sy.No.174 to an extent of Ac.1.80 cents each and enjoying the same. After getting the lands, the petitioners got entered their names in the revenue records, but in the whole history of the lands, no transaction took place about the lands in dispute; therefore the question of attracting the provisions of the LTR Act does not arise.
- Since 3rd respondent was cultivating the lands for some time and without the knowledge of the petitioners' father or their grandfather, the name of 3rd respondent was wrongly entered in revenue records, but no transaction took place between the petitioners' grandfather or their father or them and 3rd respondent. Both the lower courts on erroneous view held that a transaction took place which is without any basis and is liable to be set aside.
- The petitioners and the 3rd respondent in their statements before the 2nd respondent (i.e. Special Deputy Collector Tribal Welfare Utnoor) clearly stated that no transfer of any manner has taken place between them regarding the above lands. In spite of that the 2nd respondent passed ejectment orders and the same was confirmed by the 1st respondent (Additional Agent to Government & Project Officer ITDA Utnoor).
- Both the courts below ought to have passed the orders in favour of the petitioners and erroneously came to the conclusion that the petitioners violated the provisions of the amended Regulation I of 1970 and passed ejectment orders.
- The respondent i.e. Additional Agent to Government & Project Officer ITDA Utnoor passed the order on 16.5.2005 without the knowledge of the petitioner

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and no intimation was given to the petitioners about disposal of the case. When the petitioners enquired, they came to know that the case was disposed, therefore immediately obtained the order copy on 6.7.2007 and filing revision petition (i.e. on 23.7.2007).

- Therefore, the petitioners prayed the Government to allow the Revision Petition by setting aside the orders passed by the 2nd respondent (Special Deputy Collector TW Uttoor) in case No.TWA1/990/92, dt.27.5.2003 and confirmed by the 1st respondent (Additional Agent to Government & Project Officer ITDA Uttoor) in Procs.No.ITDA/LTRA/14/2003, dt.16.5.2005 in the interest of justice.

As per orders of lower court i.e. Special Deputy Collector (TW) Uttoor in Case No.TWA1/990/92, dt.27.5.2003:

- Case was initiated on the basis of list furnished by MRO Dandepalli about land transaction took place in respect of S.No.174 extent 3.60 situated at Dandepalli, Mandal Dandepalli, in contravention of sub-section 1 of section 3 of APSA LTR 1959 R/W 1/70.
- Non-Tribal Respondents produced sada bainama on plain paper dt.20.6.1969 wherein the suit land was purchased to an extent of 3.24 out of S.No.174 and to an extent of 0.16 out of S.No.173 from its pattedar, except this document which is also not readable, he has not produced any further documents i.e. pahani copies, LR receipts etc.
- To decide the long pending case, the pahani copies for the year 1969-70 and 1998-99 have been verified at MRO's office Dandepalli as detailed below:

:	Year	Sy. No.	Extent	Pattedar	Cultivator
:	1969-70	174	10.02	Chintamalla Ramaiah	Chintamalla Rajaiah
:	1998-99	174	10.02	C.Ramaiah	1. C.Ramaiah (6.45) 2. Bolishetti Lachaiah (3.60) (purchaser)

- As per revenue record, name of respondent came into possession in the year 1998-99 i.e. after Regulation I of 1970 came into force, which is null and void as per provisions of APSA LTR 1/59 R/W Regulation I of 1970.
- Therefore, in exercise of powers conferred U/s.3(2) of APSA LTR R/W Regulation I of 1970, ordered for ejectment of respondents (1&2) (Bolishetti Guruvaiah and Bolishetti Lachaiah) from the suit land in Sy.No.174 extent 3.60 situated at Dandepalli (v) and also ordered to take the lands into Government custody until further orders.

As per orders of Appellate Authority i.e. Additional Agent to Govt. & Project Officer ITDA Uttoor in Procs.No.ITDA/LTRA/14/2003, dt.16.05.2005:

- Appeal grounds put-forth by the Appellant Bolleshetti Guruvaiah & others:
- The orders under appeal are contrary to the facts of the case as the appellant is landless poor and except this suit land there is no other source.

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- The suit land was purchased by the Appellant during the year 1965 for a consideration of Rs.4,500/- on ordinary agreement of sale executed on 20.06.1969 and since then he is in possession and enjoyment of the suit land and he was in the impression that his name will be written by the Patwari in the Pahani, he never bothered about it.
- After purchase of the land, he developed the same and made it fertile by incurring heavy expenditure and at this stage, if land is resumed by Government, he will become landless poor which is against policy of the Government being the B.C. by caste and requested to set aside orders of lower court.
- On perusal of orders of lower court, memorandum of appeal filed by the appellant and document adduced at the time of hearing i.e. unregistered agreement of sale on the stamp paper and pahani paper dt.20.06.1969, this court has come to a conclusion that the appellant has not produced any strong proof in support of his contention that he purchased during the year 1965 and agreement of sale was executed on 20.06.1969, which merits no consideration for the simple reason that the document is unregistered and there is no corroborative elements to support the execution of the document.
- Hence, orders of Special Deputy Collector (Tribal Welfare) are upheld.

As per written arguments filed by the Counsel for petitioners before the Government on 24.6.2010 and 7.12.2019:

- Grandfather of Revision Petitioners (Bollishetti Brahmaiah) was the original pattedar and possessor of land in Sy.No.174 total to an extent of Ac.10.02 cents situated at Dandepalli village and Mandal, Adilabad District prior to 1950 and his name was entered as pattedar since 1950 onwards.
- Thereafter, as grandfather of petitioners was in need of money, he has taken hand loan from 3rd respondent (Chinthamalla Ramaiah S/o Rajaiah R/o Dandepalli (v) & Mandal) by keeping the land documents with him. Taking advantage of it and by taking the innocence of the grandfather of the petitioners, 3rd respondent got his name wrongly in revenue records as possessor and thereafter as pattedar, though he is not at all the original pattedar.
- Subsequently, when father of petitioners came to know about this, he repaid the hand land amount to the 3rd respondent and got released the documents from occupation of 3rd respondent (Chinthamalla Ramaiah) and since then enjoying the land without any interference from any corner – but due to misfortune of petitioners, name of the 3rd respondent was entered as the pattedar wrongly.
- Subsequently, the petitioners got their shares in Sy.No.174 to an extent of Ac.1.80 cents each and enjoying the same.
- After getting the lands, the petitioners got entered their name in the revenue records. The pahanies and other records clearly show about the possession over the lands. But in the whole history of the lands no transaction took place about the lands in dispute and the land is the ancestral property of the petitioners – therefore, question of attracting provisions of LTR does not arise.

As seen from the written arguments filed by the Counsel, there are no new grounds put-forth to support claim of the petitioners.

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5) The possession of land under dispute as per pahanies produced before the Government is as follows:

Year	Sy. No.	Extent	Pattedar	Cultivator	Remarks
1954-55	174	10.2	Irumalla Rajaiah	Chitumalla Rajaiah	In Col.No.12 i.e. occu-pation description column, it was mentio- ned that in April/ May, 1950 (written in Telugu Years and Telugu Months) Sri Bolishetti Brahmaiah purchased land at Rs.600/- from Indarapu Govindaiah and again sold for Rs.3000/- in Novem- ber/December, 1953 (mentioned in Telugu Months and Telugu years)
Year	Sy. No.	Extent	Pattedar	Cultivator	Remarks
1955-56 to 1957-58	174	10.2	Chitumalla Rajaiah	Chitumalla Rajaiah	-do-
1958-59 to 1960-61	174	10.2	Chitumalla Rajaiah S/o Pochaiah	-	-do-
1973-74	174	10.02	Chitumalla Ramaiah S/o Rajaiah	Chitumalla Ramaiah	-
1974-75	174	10.02	Chitumalla Ramaiah S/o Rajaiah	-	-
1975-76	174	10.02	Chitumalla Ramaiah S/o Rajaiah	Chitumalla Ramaiah	-
1980	174	10.02	Chitumalla Ramaiah S/o Rajaiah	-	-
1981	174	10.02	Chitumalla Ramaiah S/o Rajaiah	Chitumalla Ramaiah & Boli-setti Venkanna	-
1982-83	174		Chitumalla Ramaiah S/o Rajaiah	Chitumalla Ramaiah & Boli-setti China Raja	
1983-84	174		Chitumalla Ramaiah S/o Rajaiah	Bolisetti Lachanna & Guruvaiah S/o Venkanna (for 3.24)	-

				and Chitumalla Rajaiah S/o Rajaiah	
1984-85	174	10.02	Chitumalla Rajaiah S/o Pochaiah	Bolisetti Lachanna & Guruvaiah S/o Venkanna (for 3.24) and Chitumalla Rajaiah	-
1985-86	174	10.02	Chitumalla Rajaiah S/o Pochaiah	Bolisetti Lachaiah & Guruvaiah S/o Venkaiah & Chitumalla Rajaiah S/o Pochaiah	-
1986-87	174	10.02	Chitumalla Rajaiah S/o Pochaiah	Chitumalla Rajaiah S/o Pochaiah	In Col.No.16 i.e. Kowldar – Boliseteti Lachaiah & Guruvaiah S/o Venkanna
1987- 88	174	10.02	Chitumalla Ramaiah S/o Pochaiah, Rajaiah	Chitumalla Rajaiah S/o Pochaiah for 6.18, Bolisetty Lachaiah for 1.32 and Bolisetti Guruvaiah S/o Venkanna for 1.32	-
Year	Sy. No.	Extent	Pattedar	Cultivator	Remarks
1988-89	174	10.02	Chitumalla Ramaiah S/o Rajaiah	Chitumalla Rajaiah for 6.18, Boliseetti Lachaiah for 1.32 and Bolisetti Guruvaiah for 1.32	In Col.No.16, Chitumalla Rajaiah (for 6.18 as pattedar), for Bolisetti Lachaiah for 1.32 shown as purchased and Boliseteti Guruvaiah for 1.32 shown as purchased
1989-90	174	10.02	Chitumalla Ramaiah S/o Rajaiah	Chitumalla Ramaiah for 6.18, Bolisetti Guruvaiah for 1.32 and Boliseteti Lachaiah for 1.32 (sons of Venkanna)	-do-
1990-91	174	10.02	Chitumalla Ramaiah S/o Rajaiah	Chitumalla Ramaiah for 6.18, Bolisetti Lachaiah for 1.32 and Bolisetti Guruvaiah for 1.32 (sons of Venkanna)	-do-
1991- 92	174	10.02	-do-	-do-	-do-
1992- 93	174	10.05	-do-	Chitumalla Ramaiah (6.45), Bolisetti Lachaiah (1.80) and Bolisetti Guruvaiah (1.80) (sons of	-

				Venkanna)	
1993-94	174	10.05	Chitumalla Ramaiah S/o Rajaiah	-do-	In Col.No.15 Chitumalla Ramaiah for 6.45 shown as patta and Bolisetti Lachaiah (1.80) and Bolisetti Guruvaiah (1.80) shown as purchased
1994-95	174	10.05	-do-	-do-	-do-
1995-96	174	10.05	-do-	-do-	-do-
1996-97	174	10.05	-do-	1) Chitumalla Ramaiah (6.45) and 2) Bolisetti Lachaiah (3.60)	In Col.No.15 – Chitumalla Ramaiah (6.45 patta) and Bolisetti Lachaiah (3.60 shown as purchased)
1997-98	174	10.05	-do-	-do-	-do-
2000-01	174	10.05	-do-	-do-	-do-
2002-03	174	10.05	-do-	Bolisetti Lachanna (3.60)	In Col.No.15 – for Bolisetti Lachanna for 3.60 shown as purchased
Year	Sy. No.	Extent	Pattedar	Cultivator	Remarks
2003-04	174	10.05	-do-	Chitumalla Ramaiah (6.00) & Bolisetti Lachaiah S/o Venkanna (3.60)	-
2004-05	174	10.05	Chitumalla Ramaiah S/o Rajaiah	Chitumalla Ramaiah (6.00) & Bolisetti Lachaiah S/o Venkanna (3.60)	-
2005-06	174	10.05	-do-	Dumpala Kamala W/o Lachanna (6.00) + Bolisetti Lachanna S/o Venkanna (3.60)	-
2006-07	174	10.05	-do-	-do-	-

6) As such, there is no iota of truth in the contention of the petitioners that their grandfather viz., Bollishetti Brahmaiah was the original Pattedar of land in Sy.No.174 total extent of Ac.10.2 cents prior to 1950 and his name was entered as Pattedar since 1950 onwards and as he was in need of money, kept the documents with Respondent 3 i.e. Chinthamalla Ramaiah and taken hand loan, is proved not correct for the following reasons:

- i. As per the deposition made by Bolishetti Venkanna i.e. father of petitioners herein, before the lower court i.e. Special Deputy Collector (Tribal Welfare) Utnoor on 24.8.1999, he stated that he purchased the land Acs. 0.16 in Sy.No.173 and Acs.3.24 in Sy.No.174 situated in Dandepalli (v) from Chitmalla Ramaiah through ordinary sale deed on plain paper for Rs.1600/- on 20.6.1969. Contrary to this, he further deposed that the Sy.No.173 was his patta land which was sold to Sri Chitmalla Ramaiah by his father and later he got it returned from Chitmalla Ramaiah and pahani copies will be produced shortly.
- ii. The petitioners failed to produce any documentary evidence to the effect that their grandfather was the original pattedar of the land under dispute right from 1950 or even prior to and on the other hand as per copies of pahanies produced by them, the name of 3rd respondent Chitumalla Rajaiah and his son Chitumalla Ramaiah were found on record from 1954-55 onwards till 2006-07 while name of Bolishetti Brahamaih (i.e. grandfather of petitioners) found written in Col.No.12 i.e. occupation description column, that Bolishetti Brahmaiah purchased land at Rs.600/- from Indarapu Govindaiah (i.e. pattedar of land in Sy.No.174 for the extent of 10.2 acres) and he again sold the same for Rs.3000/- in November/December, 1953 (mentioned in Telugu Years/Telugu Months).
- iii. Again name of Bolisetti Venkanna i.e. father of petitioners found along with the original pattedar in occupation column from 1981 onwards, for an extent of 3.24 as purchased).
- iv. Thus, names of either grandfather & father of revision petitioners were/are never the original pattedars of the land in dispute and their contentions made before the lower court, appellate authority and before the Revisional Authority are contradicting.
- v. Apparently, the revision petitioners failed to prove that their grandfather was the original pattedar of land in Sy.No.174 for the extent of Ac.10.02 cts prior to 1950 and that documents kept with 3rd respondent for handloan which they got released from him after repaying by their father i.e. Venkanna – such original documents which stood patta in the name of their grandfather were not produced before the lower & appellate and also before the revisional authority. Even if the documents were kept with the 3rd respondent, mere keeping of documents will not help the 3rd respondent to get his name entered in the revenue records. As per copies of pahanies produced by the petitioners themselves, the 3rd respondent and their family are in continuous possession as pattedar of land in Sy.No.174 for the extent of Acs.10.02 while name of Bolisetti Venkanna i.e. father of petitioners found along with the original pattedar i.e. Chitumalla Ramaiah S/o Rajaiah in occupation column from 1981 onwards, for an extent of 3.24 as purchased and names of revision petitioners from 1983-84 onwards till 2006-07.

7) Government after careful examination of the matter and in view of the above reasons do not find any valid reason to interfere with the orders passed by

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the lower court in case No.TWA1/990/92, dt.27.5.2003 and as confirmed by the Appellate Authority i.e. Additional Agent to Government & Project Officer ITDA Utnoor in Procs. No.ITDA/LTRA/14/2003, dt.16.5.2005 and hereby DISMISS the Revision Petition filed by the petitioners viz., 1) Bollishetti Guruvaiah S/o Venkanna and 2) Bollishetti Lachaiah S/o Venkanna.

8) The Additional Agent to Government and Project Officer, ITDA, Utnoor, Adilabad District shall take necessary further action accordingly. The original case records received in the reference 3rd read above are returned herewith to the Project Officer, ITDA & Additional Agent to Government, Utnoor, Adilabad District.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU
SECERETARY TO GOVERNMENT

To

- 1) Sri Bolli Shetti Guruvaiah, S/o Venkanna, Occ: Agriculture and
- 2) Sri Bolli Shetti Lachaiah, S/o Venkanna, Occ: Agriculture both are residents of Dandepalli Village & Mandal, Adilabad District.
- 3) The Project Officer, ITDA and Additional Agent to Government, Utnoor, Adilabad District(w.e.)

Copy to :

The Special Deputy Collector(TW), Utnoor, Adilabad District for information and necessary action.

The Tahsildar, Dandepalli Mandal, Adilabad District for necessary action.

Sri Chinthamall Ramaiah S/o Rajaiah

Occ: Agriculture, R/o Dandepalli Village & Mandal
Adilabad District.

M/s. Surender Reddy & S. Anil Kumar, Advocates (Counsel for the Petitioners),
Flat No. 16, Block No.33, MIG-II, Baghlingampally, Hyderabad-44

P.S to M(TW)/P.S. to Prl.Secretary(TW)

SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER